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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,404	02/19/2004	Harry In-Yong Chang		4332

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,404

Applicant(s)

CHANG ET AL.

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 63-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is responsive to communication received 05/05/2006 – Request for withdrawal as Attorney or Agent and Change of Correspondence Address; Petition for Extension of Time (filed without fee); Amendment in Response to Office Action.

Note that the letter is styled as “After Final Amendment in Response to Final Office action”. However, a review of the application papers reveals that the last Office action, mailed 11/16/2005 was a non-final Office action, and not a final Office action.

A fee in the amount of \$500.00 for a three-month extension of time was received 05/12/2006. Note, the fee for a three-month extension of time is \$510.00. Applicant is required to provide the additional \$10.00 in response to this Office action.

A decision on the Request for Withdrawal as Attorney of Record was mailed 07/14/2006. The petition was granted.

Following is an action on the MERITS:

Claims 1-68 remain pending.

Claims 63-68 STAND withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08/22/2005.

Comments on Information Disclosure Statements

Applicant has not commented on the deficiencies outlined in the last Office action and with respect to the IDS documents of record. Thus, the applicant's attention

is once again drawn to the remarks, repeated below for the convenience of the applicant.

In reviewing the plurality of IDS documents received in this case, it is noted that the last IDS received on 09/15/2005 is styled "Sixth Supplemental Information Disclosure Statement". It would appear that this particular IDS should have been identified as the "Seventh" supplemental IDS. This is being brought to the attention of the applicant as a matter of bookkeeping and in no way affects the information contained in the IDS. The information provided with all of the IDS documents in this application has now been considered. It is however noted that three documents were listed on two separate IDS documents. These include the patent to TANG (U.S. Patent 6,679,782), which was noted on the IDS of 12/14/2005 as well as the IDS of 04/06/2005. As such, the later entry of 04/06/2005 has been lined through to prevent multiple printing of the document in the event the instant application matriculates into a Patent. Similarly, the documents to PELZ (U.S. Patent 4,688,798) and SZCZEPANSKI (U.S. Patent 4,659,083) have been listed on the IDS documents of 12/14/2004 and 08/23/2004. As such, the listing of these two citations on the later filed 12/14/2004 IDS have been lined-through, likewise to prevent any duplication in printing these documents on any Patent that may issue from the current application.

Further and with respect to the IDS documents, it is noted that several of the IDS documents contained incorrect identifying sources for the application number, applicant's name, attorney docket number and filing date. These IDS documents do however contain prior art material that is pertinent to the instant application and it would

appear that the use of improper identifying information resulted from an inadvertent oversight on the part of the applicant during preparation of the IDS documents. The IDS documents have been updated to include the proper identifying material with respect to applicant's name, application serial number, art unit, examiner's name and filing date.

Claim Rejections - 35 USC § 102 and §103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 8, 10, 14, 19, 20, 31, 32, 33, 35, 39, 41, 43, 44, 55, 56 and 58-62 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Marshall (U.S. Patent 5,160,142). As to claims 1, 31, 39 and 55, note alignment device (10) and the further alignment indicators shown in Figures 3, 5, 7 and 8, which are part of the top surface of the indicator. As to claims 2, 5, 19, 20, 41, 43, 44, 61 and 62, note magnet means (30) that serve to attach the alignment device (10) to the putter head. Clearly, the attachment device is capable of being attached by the manufacturer, as required by

claim 61, or by the golfer, as further required by claim 62. As to claims 8, 10, 14, 32, 33, 35, 56 and 58-60, note that Figures 2 and 11 clearly show that the alignment device (10) extends generally perpendicular to the plane of the striking face and extends in a direction rearward of the striking plane from a backside of the putter head. The shape of the alignment aid itself further serves as a means of providing a visual means for the golfer to accurately align the putter head with a golf ball and the intended target. The alignment aid is further shown as extending in a generally longitudinal orientation.

Claims 1, 2, 7, 8, 9, 31, 32, 33, 35, 39, 55, 56 and 58-60 STAND rejected under 35 U.S.C. 102(b) as being anticipated by McCabe (U.S. Patent 3,880,430). Figures 14 and 15 clearly show all of the claimed features including an alignment aid in the form of an extension (33a, 33c) made integral with the top portion of a putter-style club head. The alignment aid extends in a longitudinal direction in a direction generally perpendicular to the plane of the striking face. The alignment aid further includes a flat top surface, as required by claim 56, with the shape of the alignment aid and the flat top surface further providing a visual alignment means for the golfer.

Claims 1, 2, 6, 7, 8, 9, 19, 26, 30-33, 35, 39, 42, 45, 46 and 55-62 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Miller (U.S. Patent 2,503,506). The elements required by claims 1, 2, 30-33, 35, 39, 55, 56 and 58-62 are clearly shown in Figures 1 and 2 of Miller and will not be further highlighted here, for brevity. As for the specific first and second connector required by claims 6, 46 and 57, slide mount of claim 26, and male-female connector of claim 42, see column 3, line 25 through column 4, line 53 and the exploded view in Figure 1.

Claims 1, 2, 11, 13, 19, 27, 28, 29, 32, 33, 34, 39 and 55 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent 5,143,376). The claimed details are clearly depicted in Figures 1 and 4 of the Johnson reference. Note, for example, in considering the limitations of claims 1 and 11, Figure 4 shows that alignment aid (68) is attached adjacent the side of the putter via arms (84, 86) near tabs (88), (90), respectively. Specific to claims 13, 27, 29 and 34, note the embodiment in Figure 1, wherein alignment aid (66) is connectable to the shaft via clamp guide (22). The clamp includes a downwardly extending portion (near numeral 44), as required by claim 34, to help position the alignment aid in the attached position. The location of the alignment aid may be altered, as desired.

Claims 1, 8, 12, 19, 24, 31-33 and 39 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Tindale (U.S. Patent 6,558,268). The claimed details are clearly depicted in Figures 1, 2 and 3 of the Tindale reference. Specific to the screw attachment and the connection at the bottom of the putter head required by claims 12 and 24, note Figure 3, which shows a screw member (26) that serves to hold support (21) in proper relation with respect to the plane of the face. The top surface of support (21) includes alignment means including notch (28) as well as the actual rectangular, longitudinal shape of the support itself.

Claims 1-4, 39 and 40 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Wolk (U.S. Patent 5,551,695). Reference is made to column 6, lines 47-61 detailing the use of adhesive or double-sided tape to help attach the guide members (90) to the face of the putter.

Claims 1, 2, 15-18 and 39 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Honig (U.S. Patent 5,362,058). The claimed details are clearly depicted in Figures 2-7 of the Honig reference. Further reference is made to column 3, lines 28-55 and Figure 1 illustrating a "package" with attaching means and connector means.

Claims 1, 2, 5, 8, 9, 19, 26, 31, 32, 33, 37, 39 and 46-57 STAND rejected under 35 U.S.C. 102(b) as being anticipated by Lancellotti (U.S. Patent 4,135,720). The claimed features including an alignment device attachable to a golf putter are clearly shown in Figures 1 and 2. As far as the specific limitations of claims 26, 37 and 46-57, see the arrangement shown in Figures 2, 8-12, 14, 17 and 18.

Claims 21-23 and 25 STAND rejected under 35 U.S.C. 103(a) as being unpatentable over Honig (U.S. Patent 5,362,058). Although the specific, claimed attachment means are not detailed by Honig, the skilled artisan would have found it obvious to modify the Honig device so that the alignment indicator would have been attachable to the rear of the club head using any suitable mechanical means. Note, Honig even indicates that other suitable means of attachment are acceptable. The claimed attachment means are simply deemed to be obvious mechanical variants over the arrangement shown in Honig.

Claims 36 and 38 STAND rejected under 35 U.S.C. 103(a) as being unpatentable over Lancellotti (U.S. Patent 4,135,720). Specific to claim 36, the claimed dimensions are not deemed critical, as the size of the plate member used as an alignment means in Lancellotti would have depended upon the overall size of the club head. Specific to claim 38, the use of diverse color is simply viewed as an obvious

design variant over the existing surface configuration of the Lancellotti wedge-shaped alignment device.

Response to Arguments

In the arguments received 05/05/2006, the applicant's previous attorney of record indicates that the rejections are traversed, but that no further response is being supplied due to a lack of instruction from the inventors on how to proceed.

In view of the 05/05/2006 remarks, no further comments on the part of the Office are required here. The claims STAND rejected as indicated supra, as no amendments have been made to the claims and the arguments presented are not deemed persuasive.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp
July 21, 2006


Sebastiano Passaniti
Primary Examiner